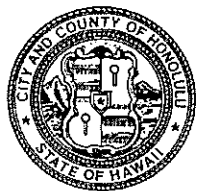


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PURCHASING DIV
BUDGET & FISCAL SVCS
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**DEPARTMENT OF BUDGET AND FISCAL SERVICES
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS**

1. TO: Chief Procurement Officer
2. FROM: Department of Transportation Services, Public Transit Div.

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:
Provide an interim 100-stall, at grade, paved parking lot for park and ride users with perimeter wall and fencing for security during the construction of the on-going Phase 2B-3, Covered Platform and Transit Center, project at the Middle Street Intermodal Center, utilizing ARRA funds

4. Name of Vendor: T. Iida Contracting, Ltd. Address: PO Box 1 Kaneohe, HI 96744	5. Price: \$TBA
6. Term of Contract: From: January 2010 To: October 2010	7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable nor advantageous to the City:
Original plan called for a 1000-stall parking structure to be constructed soon after the completion of the on-going covered platform and transit center (Phase 2B-3) project at the Middle Street Intermodal Center; however, a marketing and financial analysis report looking at the possibility of pursuing a Public-Private-Partnership option showed that the parking structure project (Phase 2B-4) was not feasible for a Developer/Owner to undertake due to significant shortfall in annual cash flow. To provide for park and ride users, an interim 100-stall, at grade, parking area was deemed necessary. ARRA funds were solicited and approved for this purpose.

Continuation on separate sheet.

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:
As noted in Item No.8 (above), due to the limited construction space and especially having two contractors working side by side, a third contractor on the site would not be a practicable solution. This project can be constructed under a separate contract after the completion of Phase 2B-3 project; however, the need for employment is now, using ARRA funds. Estimated completion of Phases 2B-3 and 2B-2 is the end of calendar year 2010. To meet the demand of utilizing unemployed construction workers now, and meeting ARRA goals, a change order to do this work is proposed. Our Construction Management team will be recording the contractor's effort.

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
DTS and Purchasing will be monitoring this contract.

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:			
Name	Position	Involvement in Process	
Akira Fujita	DTS - Administration	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Lisa Barnett	DTS - Administration	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Susan Yamaguchi	BFS - Purchasing	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:	Department: Transportation Services PTD Contact Name: Akira Fujita Phone Number: 768-8367 Fax Number: 768-4954
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Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

Wayne Zylod
Department Head

Date 12/16/09

Reserved for BFS Use Only	
	15 .Date Notice Posted <u>Jan. 27, 2010</u> Date Removed:
The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:	Chief Procurement Officer Department of Budget and Fiscal Services 530 South King Street, Room 115 Honolulu, Hawaii 96813
Chief Procurement Officer's comments:	

16. ☐ APPROVED ☐ DISAPPROVED ☐ NO ACTION REQUIRED

Chief Procurement Officer *g*

Date _____

Continuation Item No. 8: Explanation describing how procurement by competitive means is not practicable nor advantageous to the City.

A part of the construction of the Phase 2B-3 project calls for placing a 2-foot environmental capping above the original ground to seal the contaminated material on-site. This capping extends into and includes the Phase 2B-4 area. The adjoining Phase 2B-2, Intersection Improvements and Signalization of Middle Street, project, will be awarded shortly, with notice to proceed (NTP) scheduled for January 2010. With two contractors working side by side, introducing a third contractor by way of competitive bidding would cause a chaotic and unmanageable condition within a limited area, especially when the designated parking area is located within the limits of the Phase 2B-3 work area.

A Change Order to Phase 2B-3 is proposed to meet this need. To assure that ARRA goals are met, whereby additional unemployed workers are utilized, there will be no extension of time to the original contract if the new effort, timewise, is within the time limit of the original contract. The contractor and sub-contractors will need to add to their present staffing to complete the work on time. The new hires will be reported and forms showing work efforts by these individuals will be recorded.

It is more practicable and advantageous to the City for the following reasons:

1. The current Contractor for Phase 2B-3 of the Middle Street Intermodal Center project - T. Iida Contracting, Ltd. - is currently on-site.
2. With two (2) Contractors working side by side and introducing a third Contractor within an area occupied by an ongoing Contractor, the situation would be chaotic and unmanageable.
3. Since funds are solely from ARRA/Stimulus funds, waiting for the completion of the two projects (Phases 2B-3 and 2B-2) and awarding a construction contract thereafter, the delay would not be in conformance nor the intent of utilization of ARRA funding; which is to help the unemployed now.
4. If a change order is given, no time extension will be given for the purpose of this work. This will require the Contractor to hire additional workers to complete the additional work, within the existing allotted time for the present contract and thus adhering to the intent of ARRA/Stimulus funds.